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VIA E-Mail

May 2, 2022

Hon. Loretta A. Preska,
U.S. District Court, S.D.N.Y.
500 Pearl St., Courtroom 12A
New York, NY 10007

Re: Hesse, et al. v. Godiva Chocolatier, Inc., No. 19-cv-00972 (LAP)

Dear Honorable Judge Preska:

I write to address my inadvertent failure to comply with this Court's requirement that "[f]or motions other than discovery motions, a pre-motion conference with the court is required before making any motion..."¹ I read Judge Nathan's chamber rules but failed to re-do after the case was reassigned to this Court. A voicemail was left to the Chambers this morning for the same topic.

Although I am not an attorney, I take all applicable rules as my obligations, even if they are rules that only barred attorneys are expected to follow. Though I repeatedly attempted to confer with opposing counsel via E-mail as a standard courtesy, that was *not* this Court's specific requirement, and I sincerely apologize for such lack of oversight that fell short of Rules, and one that fell short of my personal standards. Again, I apologize for such an avoidable mistake.

Even though Plaintiffs violated similar Rules in earlier proceedings (e.g., 50-page reply briefs; *cf.* Chamber Rules 2.C), I have *zero tolerance for my failure to comply with any rules*, regardless of whether a rule is procedural or substantive. I am willing to withdraw my pending motion at Dkt. 136 to restart the motion anew, in strictest compliance of the Court's requirement (*supra* at n.1). But because opposing counsel has filed an opposition brief, I wish the Court may provide guidance on whether the Court prefers I restart the motion anew or continue the briefings.

¹ Individual Practices Of Judge Loretta A. Preska, https://nysd.uscourts.gov/sites/default/files/practice_documents/LAP%20Judge%20Preska%20Individual%20Rules%2001282020.pdf, at 2.A.

Respectfully Submitted,

s/ Shiyang Huang

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